


**RICHMOND POLICE DEPARTMENT GENERAL ORDER**

**NOTE:** This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Chapter <b>I</b>	Number <b>4</b>	Effective Date <b>08/23/07</b>	Review Date <b>2010</b>
Subject <b>BIAS REDUCTION</b>			<input checked="" type="checkbox"/> New Order  <input type="checkbox"/> Replaces
References General Order 1-1, 1-16, 7-21, 1-2 ADM 02.05a, 02.05b, 02.05c CALEA 1.2.9a, 1.2.9b, 1.2.9c, 1.2.9d			
 <b>Chief of Police or Designee</b>		<b>08/23/07</b> <b>Date</b>	

**I. PURPOSE**

The purpose of this order is to provide guidance on reducing the presence of bias in law enforcement actions and to reaffirm the Department's commitment to unbiased law enforcement.

**II. POLICY**

The Richmond Police Department is committed to respecting constitutional rights in the performance of employees' duties. The Department's success is based on the respect its employees show to the community and the respect citizens observe toward law enforcement. To this end, Department employees shall exercise duties, responsibilities, and obligations in a manner that does not discriminate on the basis of race, sexual orientation, gender, national origin, ethnicity, age, religion, and economic status. In law enforcement, the failure to control biases can lead to illegal arrests, searches, and detentions, thus thwarting the mission of the Department. Most importantly, actions guided by bias destroy the trust and respect essential for success.

In all enforcement decisions, officers shall be able to articulate specific facts, circumstances, and conclusions, which support probable cause or reasonable suspicion for arrests, searches, seizures and stops of citizens. Officers shall not stop, detain, arrest, search, or attempt to search anyone based solely upon the person's race, sexual orientation, gender, national origin, ethnicity, age, religion, and economic status. (See also General Order I-2, Constitutional Rights.)

**III. ACCOUNTABILITY STATEMENT**

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

#### IV. DEFINITIONS

- A. **BIAS** - Prejudice or partiality which may be based on preconceived ideas, a person's upbringing, culture, experience, or education.
- B. **BIAS-BASED POLICING/PROFILING** - The selection of individual(s) based solely on a trait common to a group for any enforcement action. This includes, but is not limited to race, sexual orientation, gender, national origin, ethnicity, age, religion, and economic status.
- C. **PROBABLE CAUSE** - According to the U.S. Supreme Court: Probable Cause exists when the facts and circumstances within [the arresting officers'] knowledge and of which the officer had reasonable trustworthy information of, are sufficient in themselves to warrant a person of reasonable caution to believe that an offense has been or is being committed by the suspect.
- D. **PROFILE** - A legitimate profile, sanctioned by the Department, is a very specific attribute, or cluster of attributes or characteristics, and form the basis for reasonable suspicion of criminality. A profile is only valid for a limited time and under limited circumstances. These attributes or characteristics are established in writing based on considerable training and experience. A legitimate profile will not be based solely on a person's race, sexual orientation, gender, national origin, ethnicity, age, religion, economic status, or any other identifiable group.
- E. **REASONABLE SUSPICION** - Articulate facts which lead an experienced officer to reasonably suspect that a crime has been or is about to be committed. A well-founded suspicion is based on the totality of the circumstances and does not exist unless it can be articulated. Reasonable suspicion supports a stop of a citizen. Courts require that stops based on reasonable suspicion be "objectively reasonable."

#### V. PROCEDURE

- A. **General prohibition:**

Officers are strictly prohibited from engaging in bias-based policing/profiling. All complaints of bias-based policing/profiling shall be thoroughly investigated following complaint procedures set forth in General Order 7-21, Internal Investigations, Citizen Complaints and Integrity Tests.

- B. **Disciplinary consequences:**

Officers who engage in bias-based policing/profiling shall be subject to disciplinary sanctions pursuant to the Department's Code of Conduct, General Order 1-1 and Disciplinary Procedures, General Order 1-16, up to and including

termination/dismissal. Officers may also be subject to remedial training.

C. Training:

The Officer-In-Charge of the Training Division or designee shall ensure that training addressing bias-based policing/profiling (including legal aspects) particularly in the context of field contacts, traffic stops/contacts, searches and asset seizure/forfeiture, cultural diversity, courtesy and interpersonal communications skills shall be conducted for sworn employees as a part of their required initial and in-service training. Additional diversity and sensitivity training may be designated for employees with substantiated bias-based policing/profiling or other substantiated discrimination complaints against them or when otherwise deemed necessary.

D. Administrative Review:

The Officer-In-Charge of the Office of Professional Responsibility or designee shall ensure that an annual review of the Department's practices concerning bias-based policing/profiling is completed no later than February 15<sup>th</sup> each year and submitted to the Chief of Police. At a minimum, this review shall include the following:

1. An analysis of citizen complaints and comments/concerns that have been received during the year regarding bias-based policing/profiling.
2. Recommendations, if any, for changes to policies, procedures, practices or training.

VI. ROLES AND ACCOUNTABILITY

A. Officers shall:

1. NOT engage in bias-based policing/profiling;
2. Articulate specific facts, circumstances, and conclusions, which support probable cause or reasonable suspicion for arrests, searches, seizures and stops of citizens;
3. Attend initial and in-service training that addresses bias-based policing/profiling (including legal aspects) particularly in the context of field contacts, traffic stops/contacts, searches and asset seizure/forfeiture, cultural diversity, courtesy and interpersonal communications skills shall be conducted for sworn employees as a part of their required initial and in-service training;
4. Report any violation or perceived violation of this policy to his/her supervisor; and,
5. Report, to his/her supervisor, any comment/concern/complaint received from a member of the public concerning bias-based policing/profiling.

B. Immediate Supervisors shall:

1. Monitor officers' actions under their command to ensure that they follow the dictates of this General Order;
2. Investigate or cause to be investigated any complaint of bias-based policing/profiling following procedures set forth in General Order 7-21, Internal Investigations, Citizen Complaints and Integrity Tests;
3. Report substantiated violations or perceived violations of this policy to the Internal Affairs Division; and,
4. Report any known comments/concerns/complaints from the public regarding bias-based policing/profiling to the Office of Professional Responsibility for inclusion in its annual review.

C. Officer-In-Charge, Training Division or designee shall:

1. Ensure the occurrence of initial and in-service training addressing bias-based policing/profiling (including legal aspects) particularly in the context of field contacts, traffic stops/contacts, searches and asset seizure/forfeiture, cultural diversity, courtesy and interpersonal communications skills; and,
2. Offer remedial training opportunities, as needed, particularly for employees with substantiated bias-based policing/profiling or other substantiated discrimination complaints against them.

D. Officer-In-Charge, Office of Professional Responsibility or designee shall:

1. Investigate or cause to be investigated any complaint of bias-based policing/profiling following procedures set forth in General Order 7-21, Internal Investigations, Citizen Complaints and Integrity Tests;
2. Ensure the completion of an annual review of the Department's practices concerning bias-based policing/profiling no later than February 15<sup>th</sup> each year and submit the report to the Chief of Police; and,
3. Identify employees with substantiated bias-based policing/profiling allegations or other substantiated discrimination complaints filed against them and recommend remedial training and/or appropriate disciplinary sanctions pursuant to the Department's Code of Conduct, General Order I-1 and Disciplinary Procedures, General Order I-16.